REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-2, 4-6, 8-14, 16, 18-27, 29 and 31-44 are pending in this application.

Claims 29 and 31-37 have been withdrawn from consideration. Limitations of now

canceled claims 3, 17 and 30 have been incorporated into independent claims 1, 14 and

27, respectively.

Rejection under U.S.C. §103:

Claims 1-6, 8-14, 16-27 and 28-44 were rejected under 35 U.S.C. §103 as

allegedly being obvious over the combination of Yoshitomi et al (U.S. '998, hereinafter

"Yoshitomi") in view of Kitano et al (U.S. '873, hereinafter "Kitano"). Applicant

traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claim limitations

must be taught or suggested by the prior art. The combination of Yoshitomi and Kitano

fails to teach or suggest all of the claim limitations. In particular, the combination fails to

teach or suggest "correlation evaluation section for evaluating correlation in terms of

game operation with said at least one other of the game machines based on the data stored

in said first operation timing storage section and said second operation timing storage

section; wherein said correlation evaluation section evaluates whether both the timing

based on the data stored in said first operation timing storage section and the timing

based on the data stored in said second operation timing storage section are in a

predetermined range of each other," as required by independent claim 1. Similar, but not

necessarily identical, comments apply to independent claims independent claims 12-14,

25-27 and 38. These claim limitations relate to an evaluation of whether data is in a

predetermined range based on timing between the two game machines, not for example based on timing data from one of the game machine and the displayed operation timing data *per se*.

Page 3 (first paragraph) of the Office Action alleges that Yoshitomi discloses correlation evaluation section for evaluating correlation in terms of game operation *with said other game machines* based on the data stored in said first operation timing storage section and said second operation timing storage section. The Office Action specifically identifies col. 3, lines 48-67, col. 4, lines 25-38 and col. 9, lines 40-60 of Yoshitomi. Applicant disagrees with each of these allegations.

Col. 3, lines 48-67 and col. 4, lines 25-38 of Yoshitomi merely relate to editing data of a musical piece, and not to evaluating correlation of operation timing data between two different game machines. Col. 9, lines 40-60 of Yoshitomi discloses displaying predetermined operation timing data (via note marks 36R, 36G and 36B) to instruct a solo player when he should manipulate (picking lever 22 while pressing an appropriate neck button) his controller, and determining the degree of match between operation timing of the solo player with predefined operation timing data. While this portion of Yoshitomi thus discloses evaluating correlation between actually played timing data from a first machine and displayed predetermined operation timing data, Yoshitomi does not disclose evaluating correlation between actually played timing data from two different machines.

Page 3 of the Office Action admits that "Yoshitomi fails to teach of a communications section for performing data communications," and then alleges that

Kitano supplies this admittedly missing limitation of Yoshitomi. Applicant disagrees with this allegation.

Figure 8 of Kitano describes evaluating actual player operation of switches relative to predetermined operation timing data displayed on a monitor. For example, col. 24, lines 15-25 of Kitano states:

> The operation of the foot switch 32 which is identical to that of the foot switch 32 judged to be within the evaluation period in the Step S3 is detected, and the smaller the amount of deviation between the actual timing at which the foot switch 32 was actually operated and the operation timing defined by the timing data D2, the higher the control is evaluated. A score is calculated in correspondence with the amount of deviation, e.g. a score of 100 points when deviation is zero, and a score of zero when the amount of deviation is equivalent to half of the width of the evaluation period.

While Figure 8 of Kitano thus describes player evaluation based on *absolute* time lag between one player's operation of a game machine and predetermined operation timing data displayed on a monitor, Kitano does not describe *relative* time lag between players' operation timings of different game machines.

As discussed above, Yoshitomi is also directed to the concept of correlating operation timing of one game machine with predetermined operation timing data (i.e., *absolute* time lag between actual player operation of a game machine and predetermined operation timing data), rather than correlating operation timing of actual player operation of one game machine with operation timing actual player operation of another game machine (i.e., *relative* time lag between operation timings of players of different game machines).

Accordingly, even if the teachings Yoshitomi and Kitano were combined as proposed by the Office Action, the combination would still fail to teach or suggest evaluating whether both the <u>timing based on the data stored in said first operation timing storage section and the timing based on the data stored in said second operation timing storage section are in a predetermined range of each other</u> as required by claim 1. Similar comments apply to independent claims 12-14, 25-27 and 38).

Kitano further discloses "An edit mode, in which a player can use the game device for use at home 3 to edit timing data, is provided as a hidden mode, and timing data created in the edit mode can be loaded into the game device for business 2 and played thereon." (See col. 25, lines 11-15 and Figs. 14-16 and 22-28 of Kitano). While Kitano thus transmits "timing data" from one game machine to another game machine, this "timing data" refers to operation timing data *to be* performed by a player, not to operation timing data relating to the operation timings of switches *already operated* by the player (i.e., the type of data stored in the first and second operation timing storage sections as required by claim 1 and utilized to evaluate correlation of game operation).

Kitano also discloses a multi-player game (2P mode). However, each player of the multi-player game is essentially scored individually by comparing his/her own actual controller manipulation as detected and the predetermined displayed data he/she should have played. Like the multi-player game of Yoshitomi (see twin 1 and twin 2 in cols. 11-12), Kitano fails to teach or suggest comparing the actually detected controller manipulations of one player with the actually detected controller manipulations of another player.

Independent claims 40 and 42 each requires an absolute time lag and a relative time lag. While Yoshitomi discloses an absolute time lag for at least one player, Yoshitomi does not further disclose a relative time lag (i.e., time lag between the operation timings of the operation switches operated by one player on one game machine and the operation timings of the operation switches operated by another player on another game machine). Page 5 of the Office Action makes specific reference to col. 11, lines 30-60; col. 12, lines 39-65 and col. 15, lines 30-50 of Yoshitomi. However, none of these specifically identified parts of Yoshitomi disclose a relative time lag as claimed. Moreover, as described above, Kitano also relates merely to determining absolute time lag for one or two players, rather than a relative time lag. Accordingly, even if the teachings of Yoshitomi and Kitano were combined as proposed, the combination would not have taught or suggested an absolute time lag and a relative time lag as required by claims 40 and 42.

Applicant therefore requests that the rejection under 35 U.S.C. §103 over the combination of Yoshitomi in view of Kitano be withdrawn.
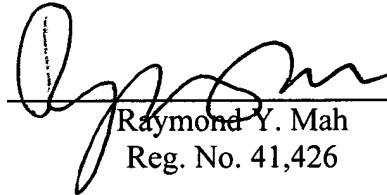
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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